



**INTEROFFICE MEMORANDUM**  
**Minutes**  
**Roadway Agreement Committee**  
**Public Works Main Conference Room**  
**March 2, 2022**

Members Present: Jon Weiss – Planning, Environmental & Development Services Department (Chair)  
Diana Almodovar – Development Engineering Division (Vice-Chair)  
Renzo Nastasi – Transportation Planning Division  
Ghulam Qadir – Public Works Engineering Division  
Humberto Castellero – Traffic Engineering Division  
Tamara Pelc – Real Estate Management Division  
Nicolas Thalmueller – Planning Division

County Staff Present: Roberta Alfonso – County Attorney’s Office  
Joy Carmichael – County Attorney’s Office  
Jennifer Cummings – Public Works Engineering Division  
Yahaira Gines-Rios – Public Works Engineering Division  
Heather Brownlie – Transportation Planning Division  
Nannette Chiesa – Transportation Planning Division  
Tammilea Chami – Transportation Planning Division

Mr. Weiss called the meeting to order at 9:06 a.m.

**Public Comment**

Mr. Weiss inquired as to Public Comment – no members of the public wished to speak.

**Approval of Minutes**

The Committee reviewed the minutes from the February 16, 2022 Roadway Agreement Committee (RAC) Meeting.

*Ms. Almodovar made a motion, with a second by Mr. Castellero, to approve the February 16, 2022 Roadway Agreement Committee Meeting Minutes as presented. Motion carried unanimously.*

**Activity Summary**

Mr. Weiss reviewed the upcoming BCC agenda items scheduled. Mr. Weiss noted that the Waterstar Orlando Proportionate Share Agreement was moved up from the March 22<sup>nd</sup> BCC to the March 8<sup>th</sup> BCC.

Ms. Brownlie reminded the RAC Technical Review Group of the Carl Black Chevrolet Building Expansion technical review due the following day.

**RAC CONSENT AGENDA ITEMS:**

- None

**RAC NON-CONSENT PROPORTIONATE SHARE ITEM:**

- None

**RAC AGENDA ITEMS:**

- None

**COMMITTEE DISCUSSION – RAC TEMPLATES**

Staff Present: Shawn Kennedy, Ken Leeming

Resumed discussion on Third Template page 10 at line 273, starting with the section titled “Conveyance of ROW Lands to County by Owner.”

Page 10

- Line 274 add “or certificate of completion” (only on a case by case basis so template language will remain)
- Line 279 discussion of change of “easements” to “matters”
- Line 274 change timeframe of conveyance to the end of DE&P. Rather than “upon substantial completion” - prior to the Notice to Proceed would be a good trigger
- Line 288 “Title Policy” change back from 90 days to 30 days

Page 6

- Lines 171-176 language pertaining to maintenance surety will remain.
- Line 167 strike the word “final” since maintenance surety needed for an additional year.
  
- Discussion of CIP construction vs. E-Project construction and whether road accepted immediately versus one-year warranty period. The reference of E-Projects was removed previously from the template language in page 5.
- Remove references to E-Projects and Certificate of Completion and require maintenance surety for one year after construction.
- Discussion of Irrigation commenced and whether it should be kept in the draft.
- Discussion commenced regarding at what point right-of-way needs to be accepted. Owner can give away easements to utilities during the year timeframe.
- Discussion of blanket easement over entire project commenced. Need right-of-way conveyance at the end of the Design when right-of-way known. A separate discussion needed for blanket easement over the entire project.
- Mr. Leeming asked that the Project Manager “PM” have roadway design experience. Ms. Cummings will provide language from the Sunbridge agreement that addresses this issue for Ms. Alfonso to incorporate.

Page 2

- Line 38 add the word “all” before “right-of-way purposes” to include ponds and easements and anything else

Page 3

- Line 81 add “Stormwater Management” to Section C.
- Line 71 “owner shall use a design firm acceptable to County” expand to provide criteria for design experience
- Line 68 added” FDOT” before “qualified”

Page 12

- Add subsection “G” Delegation of Authority language for REM manager to be able to execute documents
- Line 342 section for additional ROW acquisition change “Prior to the beginning of Construction” to “Prior to Notice to Proceed”.

Page 14 change “DE&Posit” to “Deposit” in line 384 and also on Page 18 change “DE&Puty” to “Deputy” in line 523.

- Ms. Alfonso to add an additional “Section D” to page 13 to further embellish the concept of owner paying for any eminent domain.
- Discussion of blanket easements and how Orange County Utilities could encumber OC right-of-way or even Duke Energy encumbering future right-of-way area.
- Need to acquire blanket easement at time of agreement to be able to be first in line to avoid Duke/OCU issues.

**Template #4 Construction Agreement (No Credits)**

Same agreement for Construction for No Credits only difference is deletion of Credit language.

- Page 7, line 188 change “\$100,00” to “\$1,000,000”

**Template #5 Right-of-Way and Cost-Sharing Agreement**

Non-Standard agreement set up for a specific project in anticipation.

**Template #6 Right-of-Way and Cost-Sharing Agreement (No Credits)**

Same as previous template but without opportunity for credits.

**Template #7 & #8 Proportionate Share Agreements (Single Deficiency & Multiple Deficiency)**

Mr. Weiss asked for an update to address density and intensity which has been included on page 4 in lines 134-136. Mr. Weiss also requested language stating proportionate share contribution payments cannot be transferred or applied to different properties. Ms. Alfonso to expand Section 4 which discusses “no refunds” of the PS payment.

The Committee will pick-up with Template #9 at the next meeting.

Ms. Alfonso to revise the Construction Agreement and submit an updated redline for future discussion.

Mr. Weiss adjourned the meeting at 10:31 a.m.

**Section 286.0105, Florida Statutes states that if a person decides to appeal any decision made by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.**

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact the Orange County Communications Division at (407) 836-5631. Para mayor información en español, por favor llame al (407) 836-3111.